

Serial No. 10/694,874
Response filed Sept. 16, 2009

REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

The Office Action has indicated that claims 17-23 and 25-37 are allowed.

The specification has been amended without prejudice to remove the amendments to the specification made in Applicants' previous communications with the office (see papers filed Dec. 8, 2008 and March 25, 2009). As the present amendment is simply reverting the specification to the language that was originally filed, Applicants aver that none of these amendments adds any new matter to the Application.

Claims 17 - 38 are pending in this application. Claims 6-9, and 11-15 have been cancelled without prejudice; claims 1-5 and 10 were previously cancelled.

Thus, following the entry of this amendment, claims 17-38 will be pending.

Claim 24 has been amended to remove the "25." That appeared after the end of the claim. The addition of this "25." was a typographical error made in Applicant's paper filed December 8, 2008, which typographical error is sincerely regretted.

Claim 38 has been amended, without prejudice, to specify that the claimed kit contained an antibody as per claim 1 or claim 21.

Applicants aver that none of the claim amendments and introduces new subject matter as support may be found throughout the specification of the Application as originally filed.

Each of the rejections and objections set forth in the Office Action are addressed separately below.

I. Rejection

Claims 38 stands rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

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Applicants have overcome this ground for rejection with the present amendment to claim 38 removing the antibody of claim 25 or claim 29 from the claim. This amendment, which is made solely to facilitate allowance of claim 38 as amended, is made without prejudice, and Applicants reserve the rights to pursue the removed language from claim 38 in this or a continuing application or divisional application of this Application.

II. Objections

(a) Specification

Applicants' amendments to the specification in papers filed papers filed Dec. 8, 2008 and March 25, 2009 are objected so as allegedly containing new matter.

Applicants disagree with this rejection for the reasons set forth in its paper filed Dec. 8, 2008. However, solely for the sake of facilitating prosecution, Applicants have amended the specification to revert to the language set forth in the Application as filed.

Accordingly, Applicants have overcome this objection to the specification.

(b) Claim 24

Claim 24 has been objected to as containing a typographical error.

Applicants have overcome this objection by amending claim 24 to correct the typographical error. Applicants sincerely regret this error.

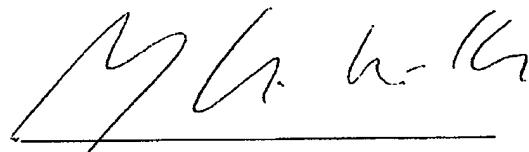
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CONCLUSION

On the basis of the preceding amendments and remarks, this Application is believed to be in condition for allowance. Accordingly, reconsideration of the claims as amended and their allowance is kindly requested.

This response is being filed on or before September 18, 2009; accordingly, no fees are believed due in connection with this filing. However, if there are any fees due, please charge any such fees (or credit any overpayment) to Deposit Account No. 50-1774, Ref No: CST-209. The Examiner is encouraged to call the undersigned to facilitate prosecution.

Respectfully submitted,
Cell Signaling Technology, Inc.



Nancy Chiu Wilker, Reg. No. 43,545
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
(978) 826-6019

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3 Trask Lane
Danvers, MA 01923